United Nations E/CN.15/2002/6/Add.1

Economic and Social Council

Distr.: General
12 February 2002

Original: English

Commission on Crime Prevention and Criminal Justice
Eleventh session
Vienna, 16-25 April 2002
Item 4 of the provisional agenda*
United Nations standards and norms in crime Prevention and criminal justice

Implementation of the International Code of Conduct for Public Officials

Report of the Secretary-General**

I. Introduction

1. In December 1996, the General Assembly, concerned at the seriousness of the problems posed by corruption, adopted the International Code of Conduct for Public Officials (resolution 51/59, annex) and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (resolution 51/191, annex) and recommended them to Member States as tools to guide their efforts against corruption.

2. In its resolution 1998/21 of 28 July 1998, entitled "United Nations standards and norms in crime prevention and criminal justice", the Economic and Social Council requested the Secretary-General to prepare survey instruments on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions and the International Code of Conduct for Public Officials. Pursuant to that request, in late 1999 the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat sent two questionnaires concerning the above instruments to Member States. The present report contains an analysis of the replies received in connection with the implementation of the International Code of Conduct for Public Officials.

3. The attention of the Commission on Crime Prevention and Criminal Justice is drawn to the fact that, because of the time lapse between the receipt of the responses to the survey and the preparation of the present report, the information contained below may not fully reflect the latest developments as regards the legislation of some of the States responding.

* E/CN.15/2002/1.

** The delay in submitting the present report was occasioned by the need for a comprehensive analysis of the replies received.

V.02-51303 (E) 130302 140302

II. Results of the survey

4. Replies to the survey instrument on the implementation of the International Code of Conduct for Public Officials were received by the following 54 States: Algeria, Angola, Antigua and Barbuda, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, Central African Republic, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Norway, Panama, Peru, Poland, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

A. Existence of codes of conduct for public officials

5. A majority of States responding indicated that their domestic laws or administrative policies included codes of conduct that set out clearly and consistently the functions and duties of public officials.[1]

6. Costa Rica noted that it had no code of conduct per se setting out specific obligations for public officials. However, Law No. 6872 of 17 June 1983, the Law on the Illicit Enrichment of Public Servants, provided for disciplinary measures in the event of non-compliance with the requirements regarding declaration of assets, which were imposed upon certain high-ranking officials. In addition, various statutes and service-specific regulations were in force that were applicable to each of the public bodies and institutions whose employees were public officials.

7. Germany indicated that the functions and duties of public officials were not established on a uniform basis, but differed according to whether the public official concerned was subject to a special service and allegiance relationship, laid down by law, as a civil servant, judge or member of the armed forces, or whether they were employed staff (i.e. salaried employees or manual workers), whose employment relationship was basically governed by collective agreements and individual contracts.

8. Greece reported that a special committee within the Ministry of the Interior, Public Administration and Decentralization had prepared a Code of Ethics of Civil Servants with a view to preventing illegal conduct.

9. In Hungary, the XXIII Act of 1992 on the Legal Status of Civil Servants contained general ethical principles, rules on conflict of interest and rules concerning confidential information. The Code of Conduct for Civil Servants, which included more detailed rules, had been completed on 31 December 1999 and had been incorporated into the XXIII Act on the Legal Status of Civil Servants on 1 January 2001.

10. Norway indicated that, while domestic laws and administrative policies did not incorporate codes of conduct as such, the functions and duties of public officials were dealt with in a number of laws and administrative polices.

11. Many of the States that replied that their respective domestic laws or administrative policies included codes of conduct setting out clearly and consistently the functions and duties of public officials reported also that those codes were incorporated into a law.[2]

12. As regards the time of the adoption of the codes of conduct, more than half of the States indicated that such codes had been adopted before 1989.[3] Belarus, the Central African Republic, the Congo, the Czech Republic, Malta, Slovenia and Thailand noted that their national codes of conduct for public officials had been adopted during the period from 1989 and 1994, while in Colombia, Finland and Italy they had been adopted between 1994 and 1996 and in Argentina, Burundi, Cuba, Ecuador, Guyana, Japan, Lithuania, Peru, South Africa and Uruguay between 1996 and 1999.

13. It is interesting to note that most States[4] that had adopted codes of conduct for public officials in the period from 1996 to 1999 declared that those codes had been inspired to a greater or lesser degree by the International Code of Conduct for Public Officials.

14. In connection with the content of the codes of conduct, the majority of responses indicated that they included provisions on the following general principles and issues: loyalty, efficiency, effectiveness, integrity, fairness, impartiality, undue preferential treatment for

any group of individuals, discrimination, abuse of authority and gifts and benefits.

15. Regarding the applicability of the codes of conduct, most States noted that they had comprehensive codes of conduct for all categories of public official.[5] There were specific codes of conduct applicable only to high-level officials in Algeria, Angola, Germany, South Africa and Uruguay, only to medium-level officials in the Dominican Republic, Germany, Guyana and South Africa and only to low-level officials in Angola, Germany and South Africa.

16. Several States indicated that they had codes of conduct for specific categories of public official,[6] such as: (a) members of the judiciary, including prosecutors;[7] (b) members of the judiciary, excluding prosecutors;[8] (c) prosecutors;[9] (d) police officers;[10] (e) prison officers;[11] (f) tax officers;[12] (g) high-ranking military officers;[13] and (h) politicians.[14]

17. Most of the States that had codes of conduct for specific categories of public official stated that the legal ground for those codes lay both in compliance with constitutional law and in administrative policy.[15] On the other hand, in some States such specific codes had been enacted to comply with constitutional law requirements,[16] while in others they were part of national administrative policies.[17] Canada,[18] Germany and Qatar indicated "other reasons" as the basis for their codes.

18. Algeria, Angola, Cuba, Hungary, Italy and New Zealand reported that their national administration provided each public official with a copy of the relevant codes of conduct, w ile Finland, Slovenia, Switzerland and Uruguay provided public officials with a booklet on their duties and obligations. Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, the Dominican Republic, Germany, Iraq, Japan, Malaysia, Malta, Myanmar, the Republic of Korea and South Africa indicated that their national administration gave each public official both a copy of the relevant codes of conduct and a booklet on duties and obligations.

19. Almost half of the responding States pointed out that their national administration provided public officials with training in ethics and professional behaviour.[19] The training lasted between 1 and 8 days in Belarus, Brunei Darussalam, the Central African Republic, Cyprus, Hungary, Japan, Lithuania, Malta, Mexico, Peru, the Republic of Korea, Slovenia and South Africa; between 9 and 15 days in the Central African Republic; and between 16 and 30 days in Myanmar. Algeria, Angola,[20] Bangladesh,[21] Burundi, Cuba,[22] Germany,[23] Iraq[24] and Thailand[25] indicated that the training in ethics and professional behaviour organized by their respective national administrations had different lengths of time.

20. In connection with the frequency of such training, Angola, Brunei Darussalam, Hungary, Lithuania and Slovenia indicated that it was provided once at the beginning of service, whereas in Myanmar and South Africa it was given twice and in Bangladesh, Belarus, Burundi, the Central African Republic, Egypt, Germany, Iraq, Japan, Malaysia, Malta, Mexico,[26] Peru[27] and the Republic of Korea[28] more than twice.

21. Colombia indicated that although it was normally the task of the individual institutions and office to provide training on matters of ethics and professional behaviour, it had become a policy of the Government to arrange, through the Presidential Programme to Combat Corruption, for the development of teaching tools and methods to encourage public officials to consider and reflect on questions of ethics, morals and values that were relevant to public service.

22. Japan reported that training in ethics was included in administrative training courses and other courses conducted by the National Police Agency for officials from all ministries and agencies. The National Police Agency had developed and conducted special training courses in ethics, which lasted two days for officials and three days for instructors, in order to encourage training in ethics in ministries and agencies. Furthermore, the Agency had newly introduced the Administrative Executive Forum, which was a special training course in ethics for executives from all ministries and agencies. All appointees who had passed the level I recruitment examination were requested to participate in the training course, which included a curriculum on ethics (about one full day). Additionally, freshmen who were expected to become executives in the administration had to participate in a nine-week training course, which included training in ethics lasting several days.

23. Angola, Bangladesh, Belarus, Brunei Darussalam, Burundi, Egypt, Guyana, Hungary, Iraq, Japan, Lithuania, Malaysia, Malta, Mexico, the Republic of Korea, South Africa, Thailand and

Uruguay reported that their relevant national authorities had launched a campaign to inform the public about the provisions contained in the codes of conduct for public officials. Angola, Argentina, Bangladesh, Brunei Darussalam, Burundi, Canada,[29] Chile, Colombia,[30] the Czech Republic, Egypt, El Salvador, Haiti, Iraq, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, the Republic of Korea, Slovenia and South Africa indicated that there were plans in their country to introduce new codes of conduct or to improve the existing ones.

24. Finally, a majority of States replied that their public administration required an oath from public officials when they commenced their duties.[31]

B. Measures to ensure accountability

25. A majority of countries reported that their domestic laws or administrative policies included regulations ensuring accountability for action taken and decisions made by public officials in the performance of their duties[32] and that under domestic laws or administrative policies public officials were required to substantiate the administrative decisions or actions taken that affected the interests of individual citizens.[33]

26. In half of the responding countries, domestic laws or administrative policies, while safeguarding due process, envisaged disciplinary measures for violations of both regulations and codes of conduct.[34] In Belgium, Bolivia, Chile, the Congo, Costa Rica, Ecuador, Egypt, Finland, Greece, Hungary, Italy, Mexico, Norway, Poland, the Republic of Korea, Saudi Arabia, Slovenia and Switzerland, such disciplinary measures were foreseen only for violations of regulations, while in Guyana and Lebanon only for violations of codes of conduct.

27. Provisions for disciplinary measures covered the following types of illegal or unethical behaviour:[35] (a) removing or destroying documents, deeds or any other article to which public officials had access by virtue of their office;[36] (b) attempting to remove or destroy documents, deeds or any other article to which public officials had access by virtue of their office;[37] (c) removing public or private funds to which public officials had access by virtue of their office;[38] (d) attempting to remove public or private funds to which public officials had access by virtue of their office;[39] (e) using, while in office or even after, confidential information to which public officials had access by virtue of their office;[40] and (f) accepting, directly or indirectly, a gift or any other benefit that might place public officials under a moral obligation to accord preferential or special treatment.[41]

28. In Belarus, Belgium, Bolivia, Chile, the Congo, Costa Rica, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Hungary, Italy, Lebanon, Mali, Malta, Mexico, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, Sweden, Switzerland and Uruguay, the measures to ensure accountability and effective disciplinary action were incorporated into a law, in Antigua and Barbuda they appeared in a code of conduct, while in Algeria, Angola, Argentina, Bangladesh, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, Cuba, Germany, Iraq, Japan, Lithuania, Malaysia, Malta, Myanmar, South Africa and Thailand they were incorporated into both a law and a code of conduct.[42]

C. Conflict of interest and disqualification

29. In connection with the issue of conflict of interest and disqualification, a majority of States indicated that their domestic laws or administrative policies included specific measures against the improper use by public officials of: (a) their position;[43] (b) their influence;[44] and (c) their knowledge.[45] Likewise, specific measures against the use by public officials of their official authority for the improper advancement of: (a) their own interests,[46] (b) their family's personal interests;[47] and (c) their financial interests[48] were foreseen by the domestic laws or administrative policies of most of the responding States.

30. Several States also indicated that under their domestic legal or administrative systems public officials were required, if possible conflicts of interests arose,[49] to declare: (a) business or commercial interests;[50] (b) financial interests;[51] and (c) activities undertaken for financial gain.[52]

31. Brunei Darussalam, Burundi, Canada,[53] Colombia, Germany, Italy, Japan, Lebanon, Lithuania, Mali, Malta, Mexico, Peru, Poland,[54] Republic of Korea, South Africa and Uruguay reported having

specific provisions regulating the case of public officials obtaining or receiving a shareholding or employment of whatsoever nature in a public or private enterprise over which they had had supervision or control by virtue of their office during a period of five years from the date of termination of such office (except in the case of a shareholding in the capital of a company quoted on the stock exchange or in that of capital received by inheritance).

32. Measures designed to ensure that public officials after leaving their official positions would not take improper advantage of their previous office were included in the laws or administrative policies of Algeria, Angola, Argentina, Belarus, Burundi, Canada, Colombia, Cuba, Egypt, Germany, Iraq, Japan, Lebanon, Malta, Mexico, New Zealand, the Republic of Korea, Saudi Arabia, Slovenia, Sweden and Uruguay.

33. Regarding the conditions under which the measures designed to ensure that public officials after leaving their official positions would not take improper advantage of their previous office applied, Angola indicated that if a public official ceased to exercise his or her official function, all his or her previous rights and privileges also ceased and he or she was no longer entitled to them.

34. Argentina noted that the aforementioned conditions were regulated by article 15 of Law 25.188 on ethics in the public service. In Canada, in order to ensure that after leaving their official positions public officials did not take improper advantage of their previous office, it was established that public officials would not: (a) use information not publicly available; (b) accept employment with an entity with which the individual had direct and significant dealings within one year prior to leaving office; and (c) make representations for or on behalf of any other person with which they had had direct and significant official dealings during a period of one year immediately prior to leaving office.

35. In Colombia, after leaving public office, officials were subject to certain disqualifications, such as: (a) they could not serve as advisers or consultants on a professional basis in any of the areas belonging to the competence of their former office; and (b) they could not participate in contracting arrangements, competitive bidding or invitations to tender if they were formerly members of the board of directors of the office or agency to which they belonged. Those restrictions were backed up by article 2 (a) of Law No. 80 of 1993 on administrative recruitment.

36. Cuba indicated that public officials remained subject to certain binding restrictions for periods of time that varied with the positions held. In Egypt, there was legislation to combat public service corruption, whether during or after service. This was in accordance with the Penal Code's provisions for the punishment of bribery and related crimes, for the protection of public funds and for criminalizing illegitimate income received by a public official as a result of abuse of position during or after the service or by the wife or dependent minors of the person subject to that Code.

37. Germany indicated that also when civil tenure came to an end, it would be a breach of duty if a civil servant violated his duty to maintain official confidentiality, if he or she failed to give notice of an activity requiring notice to be given or violated a prohibition imposed by the competent service authority in respect of performance of functions or improperly accepted rewards and gifts.

38. In Japan, a public official was prohibited, for a period of two years after leaving the service, from accepting or serving in a position with a profit-making enterprise that involved a close connection with any agency of the State with which such official was formerly employed within five years prior to separation from service (art. 103, sect. 2, of the National Public Service Law). In Lebanon, measures included the prohibition of the disclosure of official information and the prohibition for public officials, for five years after separation from service, from being employed in an agency that used to be under his or her control.

39. In Lithuania, measures were applied in order to protect confidential information. Malta indicated that, according to the Official Secrets Ordinance of 1923 (last amended in 1996), the Estacode of 1968 (last amended in 1998, the management manual of the public service) and the Code of Ethics of 1994, for employees in the public sector it was an offence if a public official took improper advantage of his public office, even after he had left the service. Sanctions could be taken against the persons involved through the courts of law.

40. In Mexico, the Federal Law on Responsibilities of Public Officials established in article 88,

paragraphs 1, 3 and 4, that in the exercise of their office or in the performance of their official duties or assigned tasks and for one year thereafter, public officials might not solicit, accept or receive, directly or through an intermediary, money or other gift, service, office, duty or task for themselves or for their immediate family members or for third parties with whom they had professional, work-related or business relationships or for associations or companies to which they belonged or had belonged, or which emanated from any person whose professional, business or industrial activities were directly linked with or regulated or supervised by the public official in the exercise of his or her office or the performance of his or her official duties or assigned tasks, which would cause a conflict of interest. The Law also established that public officials might not, under any circumstances, receive from such persons securities, real estate or assignments of rights in proceedings or disputes to settle issues of title to ownership of any kind of property. Lastly, acts committed by public officials in violation of the above-mentioned provisions were punishable as acts of corruption and public officials were liable to penalties in accordance with criminal law.

41. New Zealand indicated that measures affecting public officials after leaving their official positions were a matter for individual departments and their employment practices.

42. In the Republic of Korea, pursuant to the Public Officials Ethics Act, a public official, who was required to register his or her assets under the same Act, was prohibited, for two years after retirement, from being employed in a private company that engaged in a business related to the one(s) that he or she had dealt with within two years before retirement.

43. In Slovenia, some special regulations forbade certain categories of public officials to carry out similar work as they had done in their previous office for a certain period of time after the termination of employment (usually two years). This applied, for example, to customs officers, public prosecutors, police officers, deputies and judges.

44. Saudi Arabia indicated that, under Islamic law, improper advantages were unacceptable, whether during or after service. Even if an official could not be held accountable for such advantages under applicable regulations, he or she could, nevertheless, be held accountable for them under Islamic law, since the latter was the basis for the application of all regulations and nothing contradicting it could be adopted. In Sweden, the conditions under which the measures designed to ensure that public officials after leaving their official positions did not take improper advantage of their previous office were contained in chapter 20, sections 2 and 3, of the Penal Code, dealing respectively with taking a bribe and with breach of professional confidentiality.

45. As far as the legal basis for the measures on conflict of interest and disqualification was concerned, several States reported that they were incorporated into a law.[55] New Zealand indicated they were included in a code of conduct, while in Algeria, Angola, Argentina, Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, Cuba, Germany, Hungary, Iraq, Japan, Lebanon, Lithuania, Malaysia, Malta, Peru, Slovenia, South Africa and Thailand, such measures were embodied in both a law and a code of conduct.

D. Disclosure of assets

46. Public officials were required to disclose their assets, liabilities and copies of their tax returns in a majority of the States responding.[56] Only a few—Belarus, Brunei Darussalam, Colombia, Egypt, Greece, Guatemala, Iraq, Italy, Lebanon, Malaysia[57] and South Africa—indicated that such a requirement was foreseen for public officials at all levels.[58] Argentina, Bangladesh, Belgium, Burundi, Canada,[59] Costa Rica, Egypt, El Salvador, Finland, Guyana, Haiti, Hungary, Iraq, Japan, Lebanon, Lithuania, Mali,[60] Norway,[61] Peru, Poland, the Republic of Korea, Thailand and Uruguay, on the other hand, noted that only public officials at higher levels in the administration or public officials who might be more vulnerable because of their position were subject to the above requirement. A number of States also responded that their domestic laws or administrative policies included measures requiring spouses and/or dependants of public officials to disclose their assets, liabilities and copies of tax returns.[62]

47. Regarding the existence of an appropriate body to monitor and evaluate the disclosure of assets, liabilities and copies of tax returns by public officials, half of the States responding indicated the existence of such a body.[63] In Bangladesh, Belarus, Brunei Darussalam,

Chile, Greece, Guyana, Iraq, Malaysia, Poland, the Republic of Korea and South Africa, the monitoring and evaluating body was a disciplinary council, in Belarus and Lebanon it was a civil court and in Cuba, Greece, Lebanon and Thailand a criminal court.

48. Costa Rica indicated that the functions of supervising the declarations of assets and tax declarations of public officials were responsibilities that were shared by two different authorities. In the first place, the Office of the Comptroller-General of the Republic, which had constitutional status and was attached to the Legislative Assembly as an auxiliary institution of the latter, under the Law on Illicit Enrichment of Public Servants, was also responsible for keeping a record of the sworn declaration of assets of the public servants required to make such a declaration. The second authority was the Office of Direct Taxation, a body constituted by the Ministry of Finance and entrusted with the tasks of supervising and evaluating the tax declarations of all taxpayers, not only public officials.

49. A majority of States responded that their domestic laws or administrative policies included specific provisions on illicit enrichment.[64] In Angola, Bolivia, Chile, the Czech Republic, Guyana, Lebanon, Norway, Saudi Arabia and Uruguay, such provisions were of a civil nature. In Argentina, Bangladesh, Belarus, Canada, Colombia, Costa Rica, El Salvador, Greece, Haiti, Hungary, Iraq, Malaysia, Mexico, New Zealand, Peru, Poland, the Republic of Korea, South Africa, Switzerland and Thailand, they were of an administrative nature. In Brunei Darussalam, Burundi, the Congo, Cuba, Cyprus, Germany, Lithuania, Malta, Myanmar and Poland, the provisions on illicit enrichment were of both a civil and an administrative nature.[65]

50. Most of the States that had specific provisions on illicit enrichment noted that their domestic laws or administrative policies provided for the existence of an appropriate body to monitor the illicit enrichment of public officials.[66]

51. In Brunei Darussalam, Chile, Guyana, Iraq, Malaysia, Poland, the Republic of Korea and South Africa, the monitoring function was performed by a disciplinary council, in Burundi, El Salvador and Saudi Arabia by a civil court and in Bangladesh, Colombia, Cuba, Egypt, Mexico, New Zealand and Thailand by a criminal court.

52. In Belarus, the monitoring of illicit enrichment by public officials was undertaken by both a disciplinary council and a civil court, in Angola and in Lebanon by both civil and criminal courts, in Cyprus and Greece by disciplinary councils and criminal courts and in Germany[67] and Myanmar it was undertaken jointly by disciplinary councils and civil and criminal courts.

53. Argentina indicated that the function of monitoring the illicit enrichment of public officials was performed by the Anti-Corruption Agency, established by Law 25.233. In Bolivia, under the regulations on accountability in the civil service (D.S. 233118-A), it was the responsibility of internal bodies to determine accountability and, where cases of administrative liability were identified, to forward the matter to the Office of the Auditor-General of the Republic for institution of the correct procedures.

54. In Costa Rica, the Office of the Comptroller-General of the Republic, a body for monitoring and countering the crime of illicit enrichment, existed only for senior public officials and officials who might be more vulnerable because of the post that they held. In Hungary, the body in charge of monitoring the illicit enrichment of public officials was a tax authority.

55. In connection with the question on the legal nature of the measures on disclosure of assets and illicit enrichment, most States reported that such measures were incorporated into a law;[68] in Antigua and Barbuda they appeared in the code of conduct; and in Angola, Argentina, Bangladesh, Brunei Darussalam, Canada, Colombia, Cuba, Germany, Malaysia and South Africa they appeared in both a law and a code of conduct.

E. Acceptance of gifts and other favours

56. The solicitation and the acceptance of any gift that might influence the exercise of functions of public officials and the performance of their duties was regulated by the laws or administrative policies of the large majority of the responding countries.[69] While in many countries the related provisions were incorporated into a law,[70] in Bangladesh, Malta and Thailand they were contained in a code of conduct. In Angola, Argentina, Brunei Darussalam, Canada, Colombia, Cuba, Germany, Hungary, Japan, Lithuania, Malaysia, Myanmar, New Zealand, Slovenia and South

Africa, there were relevant provisions in both laws and codes of conduct.

F. Confidential information

57. Almost all the countries indicated that their domestic laws or administrative policies required public officials to ensure the professional secrecy of matters of a confidential nature[71] and provided for disciplinary sanctions if the obligation was not fulfilled.[72]

58. In several States such restrictions applied also after separation from service:[73] for one year in Lithuania and Mexico, for a period between two and three years in Peru and for more than three years in Algeria, Angola, Belarus, Belgium, Brunei Darussalam, Burundi, Colombia, the Congo, Cuba, Finland, Germany, Iraq, Japan, Lebanon, Malaysia, Malta, Myanmar, Norway, Poland, the Republic of Korea, Saudi Arabia, Slovenia, Sweden, Switzerland and Uruguay.

59. In a majority of States, the above measures to protect confidential information were incorporated into a law,[74] while in Argentina and New Zealand they were contained in a code of conduct. In Angola, Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, Cuba, Germany, Hungary, Iraq, Lithuania, Malaysia, Malta, Myanmar, Slovenia and South Africa, these measures were embodied in both a law and a code of conduct.

G. Political activity

60. The analysis of the replies indicates that in numerous countries the political activity of public officials, when performed outside the scope of their office, was regulated by law.[75] Brunei Darussalam, Canada, Cuba, Myanmar and New Zealand indicated that the political activity of public officials was regulated in a code of conduct, while Angola, Bangladesh, Belarus, Burundi, Colombia, Germany, Hungary, Lithuania, Malta, the Republic of Korea, Slovenia and South Africa reported that it was regulated both by law and a code of conduct.

61. The information provided also revealed that other activities performed by public officials outside the scope of their office were regulated by law in Angola, Belgium, Bolivia, Chile, Costa Rica, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Iraq, Japan, Lebanon, Mexico, Peru, Poland, Saudi Arabia and Uruguay; by a code of conduct in Canada, Malta and New Zealand; and by both a law and codes of conduct in Algeria, Bangladesh, Brunei Darussalam, Burundi, Colombia, Cuba, Germany, Hungary, Italy, Lithuania, Malaysia, the Republic of Korea, Slovenia, South Africa and Thailand.

H. National policies concerning codes of ethics and conduct of public officials

62. Argentina indicated that within the public administration the issue of ethics was regulated by the code of ethics in the public service (Decree No. 41/99) and by Law 25.188 on ethics in the performance of public service. An Anti-Corruption Agency had also been established.

63. Belgium indicated that at the initiative of the Secretary-General of the Ministry of Civil Service, a draft code of ethics had been prepared for the personnel of the Federal Government administration. The Minister of Civil Service would shortly submit the draft code to the Council of Ministers and propose to the Council that the draft be the subject of a consultation process to be conducted between the personnel concerned and the public prior to its final adoption.

64. Bolivia noted that, on 27 October 1999, the Government had adopted the Civil Service Act, which dealt with various aspects covered in the questionnaire, and that the Act provided for the enactment of regulations that were intended to fill any remaining gaps. In Brunei Darussalam, work ethics had been introduced in the public service in 1996 and in the General Orders as early as 1961.

65. Colombia indicated that Presidential Decree No. 09 of 24 December 1999 outlined rules for the implementation of government policy to combat corruption and called upon all national offices and agencies to adhere to that policy. For that purpose, it gave the Presidential Programme to Combat Corruption powers to provide relevant advice and to coordinate, monitor and evaluate implementation of the actions and strategies decided upon for that purpose. As regards the prevention of corruption, the

Presidential Programme to Combat Corruption had prepared a guide designed to promote the ethical values of public officials. It was up to the individual agencies to implement the recommendations contained in the guide, as part of the Government's strategy of strengthening forms of thinking and behaviour consistent with the principles that should guide the public service. The Programme provided support to the Administration Department of the Public Service by developing an "ethics component" that was introduced as one element in the National Public Service Training and Instruction Plan.

66. Costa Rica reported that two legislative bills were currently under study in the area of ethics and conduct of public officials. The first was the Bill on the Code of Duties and Standards of Conduct of the Public Servant (legislative file No. 12377) and the second the Bill against Corruption and Illicit Enrichment in the Public Administration.

67. Cuba noted that the national policy of the Government had always been to continually promote all necessary measures aimed at ensuring that officials at the various levels of the hierarchy of the public administration discharged their functions with integrity. To that end, the Constitution proclaimed the principle of respect for the law by all citizens, regardless of status. In addition, the Penal Code provided severe penalties, including confiscation of all assets, for those guilty of the offences of misappropriation, fraud, abuse of position and other such offences. Severe penalties were also provided for illicit enrichment.

68. In accordance with United Nations guidelines, the Executive Committee of the Council of Ministers of Cuba had adopted Decision No. 3050 of 17 July 1996 on a Code of Ethics for Public Officials and Officers of the State, which set out the principles and elements on which the ethics and conduct of persons occupying such posts of responsibility should be based. The Code, to which each one of the thousands of Cuban public officials and functionaries had subscribed in a solemn ceremony and to which incoming officials would also subscribe, was upgraded to the status of a binding judicial norm by Decree Law No. 196 of 15 October 1999. The Code clearly established the duties and obligations of each public official, manager and officer.

69. Cuba added that Decree-Law No. 141 of 8 September 1993 specifically prohibited public officials from holding certain offices or positions that were considered incompatible with the post of public official, officer of the State, prosecutor or judge. Moreover, prosecutors and judges at all levels were obliged to devote themselves exclusively to their respective functions, with teaching being the only exception. The same restriction applied to serving military personnel and to officials of the Ministry of the Interior, including all officers of every rank. Those rules were given the widest possible publicity in the press and were published in the *Official Gazette of the Republic*. Relevant studies were continuing, with a view to the gradual incorporation of those experiences of the international community that were compatible with the legal traditions of Cuba in the area.

70. The Czech Republic reported that a law on the service of state civil employees was in preparation, while Ecuador indicated that it had taken a major step forward in strengthening the national policy on the ethics and conduct of public officials with the adoption of the 1998 Constitution. However, it noted that neither the Constitution nor the relevant law had proved sufficient to halt corruption or rectify the lack of ethical values. Therefore, the Congress was discussing new laws directed towards meeting those needs.

71. Egypt reported that the legal framework for combating functional corruption in the country was an integrated model for containing the various forms of corruption. The most important elements of the legal framework to combat corruption were as follows: (a) the administrative and judicial control over the performance of administrations; (b) a legislative framework to combat corruption; (c) judicial authorities to combat functional corruption; and (d) parliamentary control over the actions of the executive authority.

72. Administrative and judicial control over the performance of the administration was exercised by means of internal control within the administration itself and externally by the Central Auditing Organization, the central authority for organization and administration, and the Administrative Control Authority. External control over administrative work was carried out by a specialized organ, the Administrative Prosecution Authority. External control over public officials was exercised by judicial

committees for the control of illicit gain and enrichment by public officials.

73. The legislative framework to combat corruption was provided by the Penal Code, which criminalized bribery and related crimes, by the provisions concerning the protection of public funds and by the provisions criminalizing illicit gains by public officials. The most important judicial authorities to combat functional corruption were the specialized public prosecution authorities, such as the higher state security prosecution office, the higher public funds prosecution office, the illicit gain administration, the state security courts, the disciplinary courts and the administrative prosecution office.

74. El Salvador indicated that within the framework of the 1992 peace agreements, the State was harmonizing its domestic legislation with the Constitution and international obligations and standards concerning the ethics and conduct of public officials. Examples of this were: (a) a new law on tendering (repealing a law of 1945); (b) the Code of Police Conduct (including the related law of 1993); (c) the reform of the law on probity; and (d) the signature and ratification of the Inter-American Convention against Corruption.[76]

75. Germany reported that, in order to ensure proper conduct on the part of public service staff, the administrations at the federal, *Länder* and local levels had taken a large number of organizational measures based on the principles and provisions regulating the public service. For the ministries and the administrative authorities of the Federation, those measures had been specially compiled in a package for the purpose of fighting corruption, the Directive of the Federal Government for the Prevention of Corruption in the Federal Administration, of 17 June 1998.

76. The following measures were among the preventive measures contained in the Directive: determination of service posts at risk of corruption; analysis of the risks posed by service posts at special risk of corruption; principle of wide participation; transparency through written presentation of the reasons for decisions taken; strengthening of internal control in the authority concerned through internal revision; taking particular care in the selection of staff for jobs at risk of corruption; sensitization instruction, training and continuing training of staff; strengthening supervisory authority for superiors; staff rotation in respect of service posts at special risk of corruption; designation of a person who could be approached by both staff and ordinary members of the public on precautions against corruption; strict observance of the prescribed provisions on the award of public contracts; separation of planning, award and settlement of public contracts (as far as this was possible and made sense); and exclusion of tenders from competition where there had been serious misconduct raising the question of their reliability.

77. Parallel to the text of the Directive, a series of recommendations were also drawn up. They were supposed to facilitate application of the individual measures and, therefore, full implementation of the Directive. The recommendations comprise, in particular, a Code of Conduct against Corruption, intended to give staff the certainty of reacting in an appropriate way to incidents raising the suspicion of corruption, as well as Guidelines for Superiors.

78. Greece indicated that the Government was studying the possibility of creating a permanent ethics committee to coordinate the measures to be taken in connection with ethics in public office and the fight against corruption.

79. Haiti noted that, although there was no national policy on the conduct and behaviour of public officials, there were nevertheless constitutional and legal provisions that constituted a legislative framework allowing such a policy to be formulated.

80. Iraq stressed the fact that the national policy on ethics and conduct of public officials was aimed at ensuring the objectives of public office, namely, service for all, without trading in public office, using it as a means of illicit gain or a means of personal influence for the public official or other persons.

81. Italy reported that there were two legislative decrees pending concerning the ethics and conduct of public officials. The first, already approved by the Chamber of Deputies and under examination by the Senate, concerned the establishment of a property register of all public officials providing for a specific supervisory body (Legislative Decree S3015-B). The second concerned conflict of interest and incompatibilities for those in public office (Legislative Decree S3236, approved by the Chamber and under examination by the Commission for Constitutional Affairs of the Senate).

82. Malaysia indicated that a Special Cabinet Committee on Management Integrity in the Government, chaired by the Deputy Prime Minister, had been set up in 1998. The objective of the Committee was to ensure a Government and public service that were efficient, disciplined and high in integrity, through the practice of good values and resolution of weaknesses, in particular in the area of financial management and public management, as well as the management of disciplinary cases, corruption and abuse of power.

83. Malta noted that the Official Secrets Ordinance, the Estacode and the Code of Ethics for Employees in the Public Sector gave detailed guidelines on the ethics and conduct of public officials. Those guidelines ranged from conflict of interest to personal and professional behaviour, use of official information, facilities and equipment, outside employment and political participation. The Constitution of Malta disqualified persons holding public office from membership in the House of Representatives.

84. Mexico indicated that the national policy on ethics and conduct of public officials was enshrined in the Political Constitution and in the Federal Law on Responsibilities of Public Officials. In a State governed by the rule of law, the scope of action of the public authorities was determined by the law and agents of the State were accountable before the law for the exercise of powers expressly conferred upon them. The rule of law demanded that public officials should be accountable. Their accountability was not manifested in practice when the obligations imposed upon them were merely declarative, when they were not enforceable, when there was impunity or when the penalties for failure to fulfil obligations were insufficient. Nor was there accountability when the person affected had no easy, practical or effective means of ensuring fulfilment of the obligations of public officials. In the interests of ensuring that public officials showed honesty, loyalty, impartiality and efficiency in their conduct, their political and administrative obligations were defended, while there were penalties whenever there was a failure to fulfil those obligations.

85. Criminal responsibility was a primary prerequisite for democracy. All citizens were equal before the law and there was no room for special jurisdiction or courts. Public officials who committed a crime could be tried by an ordinary court under criminal law in the same way as any other citizen and without any further formal requirement, in the case of public officials enjoying exemptions, than a declaration of reasonable cause made by the Chamber of Deputies (lower house).

86. As far as civil liability of public officials was concerned, the applicable provisions were those of ordinary law. The bases of administrative liability were established, according to which such liability was incurred through acts or omissions that violated the principles of legality, honesty, impartiality and efficiency by which the public administration was governed and good public service guaranteed. The administrative procedure was independent of the political and criminal procedures. It afforded the defendant the constitutional guarantees.

87. The Office of the Auditor-General was the central, specialized authority for supervising compliance with the obligations of public officials, for identifying the degree of administrative liability incurred for non-compliance and for imposing disciplinary sanctions. Those sanctions could consist of the dismissal of any public official not appointed by the President of the Republic, a financial penalty in the amount of three times the economic gain obtained or the damage caused by the illicit act or disqualification by court decision from further exercise of public office or from the performance of public duties or tasks for a period of up to 20 years. Each government department was required to establish special bodies to which the citizen must have easy access for the submission of complaints and reports regarding failure on the part of public officials to fulfil their obligations.

88. Disciplinary measures were subject to constitutional guarantees: the authorities concerned must act with due speed and impartiality, while public officials must be given the opportunity for a proper hearing. Administrative means were available for optional exhaustion of remedies, allowing punitive measures to be contested without prejudice to the jurisdiction of the Federal Fiscal Court, in order to permit hearings to be held in case of disputes resulting from disciplinary measures and to enable progress to be made in the gradual process of transfer to a proper court of administrative justice.

89. The requirement of annual submissions of a declaration of personal wealth was stipulated so that

the competent authority could, in the course of the official's term of office, make the necessary checks. A deeply ingrained practice that generated corruption and compromised the impartiality of good public service was also regulated, namely, by prohibiting public officials from receiving gifts and courtesies from persons having some relationship to the powers with which they were invested. Violation of that rule was deemed equivalent to an act of corruption.

90. Norway noted that the national policy was that it was a managerial responsibility to promote continuously the issues of ethics and professional behaviour in each and every department. How to achieve that goal was left to the individual manager and agency.

91. The criminal law of Panama established penalties for the offences of embezzlement, abuse of office and extortion. The offence for which penalties were most commonly imposed was embezzlement. There was a lack of legislation, administrative standards and codes of conduct providing for disciplinary measures to prevent and penalize those breaches of ethics in the discharge of public duties. Panama indicated that recently an amendment had been made in the legislation requiring the declaration of assets prior to or after the discharge of certain public duties, but only to the effect that such declaration should be made in a public record. Panama also stressed the need to tackle with determination and energy the issue of politicians responsible for managing public administration, as well as the importance of carrying out educational campaigns on ethical values of responsibility in the workplace.

92. The Republic of Korea indicated that the Government was planning to revise the Public Officials Ethics Act, which provided for the registration of assets, the restriction of employment of retired officials and the declaration of gifts, to expand the categories of public officials required to register assets and to increase the requisites for the restriction of employment of retired officials.

93. Saudi Arabia underlined that the ethics and conduct of public officials should conform, in the first place, with Islamic rules derived from the Holy Koran and the Sunna. A person was accountable for any contravention of the Koran or the Sunna if such contravention was deleterious to public interests or to the interests of others. Furthermore, all citizens, whether officials or not, should abide by the regulations laid down by the State in the interest of citizens. Special as well as general rules had been adopted to address any violation of those regulations. Responsibility for supervising the application of such rules had been assigned in accordance with the competence of each authority and the nature of each conduct.

94. South Africa indicated that the Government was in the process of developing an accountability system to prevent corruption in the public service.

III. Conclusions

95. Although it is difficult to ascertain whether the adoption by the General Assembly of the International Code of Conduct for Public Officials has had a direct impact on domestic legislation, the analysis of the replies to the survey indicates that the main principles and provisions embodied in the International Code of Conduct are reflected, to different degrees and with different modalities, in the implementation of legislation at the national level in many States.

96. The signature and ratification of the existing international legal instruments against corruption, which have been negotiated and adopted under the aegis of different intergovernmental organizations in recent years and which refer to the principles of the International Code of Conduct, will undoubtedly foster and strengthen its application at the domestic level.

97. It is also to be hoped that the instrument will inspire the negotiations of the United Nations Convention against Corruption, which started in January 2002.

Notes

[1] Algeria, Angola, Argentina, Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, the Congo, Cuba, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Malta, Mexico, Myanmar, New Zealand, Peru, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and Uruguay.

[2] Algeria, Angola, Argentina, Bangladesh, Belarus, Brunei Darussalam, Burundi, the Central African Republic, Colombia, the Congo, Cuba, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Malta, Mexico, Myanmar, Peru, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland and Uruguay.

[3] Algeria, Angola, Bangladesh, Brunei Darussalam, Canada, Cyprus, the Dominican Republic, Ecuador, Egypt, El Salvador, Germany, Haiti, Iraq, Japan, Lebanon, Malaysia, Malta, Mexico, Myanmar, New Zealand, the Republic of Korea, Saudi Arabia and Switzerland.

[4] Angola, Argentina, Burundi, Colombia, Cuba, Egypt, Finland, Hungary and South Africa.

[5] Algeria, Argentina, Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, the Congo, Cuba, the Czech Republic, Egypt, El Salvador, Finland, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Malta, Mexico, Myanmar, New Zealand, Peru, the Republic of Korea, Saudi Arabia, South Africa, Switzerland and Thailand. Germany indicated there was no single code of conduct for public service staff in Germany; instead the ethical principles applying to the public service were set down in a large number of provisions, not least because of the differing configuration of the various employment relationships.

[6] New Zealand indicated that specific codes of conduct were a matter for the relevant individual departments or professional bodies.

[7] Algeria, Angola, Antigua and Barbuda, Brunei Darussalam, Burundi, the Central African Republic, the Congo, Egypt, El Salvador, Italy, Lithuania, Malaysia, Mexico, Myanmar, Saudi Arabia, Switzerland and Uruguay.

[8] Bangladesh, Belarus, Canada, the Czech Republic, the Dominican Republic, El Salvador, Germany, Guyana, Iraq, Japan, Lithuania, Mexico, Myanmar and Slovenia.

[9] Bangladesh, Burundi, the Czech Republic, Iraq, Lithuania, Malaysia, Mexico, Myanmar, New Zealand, Qatar, the Republic of Korea and Slovenia.

[10] Algeria, Angola, Antigua and Barbuda, Argentina, Bangladesh, Brunei Darussalam, Burundi, Canada, Colombia, the Czech Republic, the Dominican Republic, Egypt, El Salvador, Finland, Germany, Guyana, Haiti, Iraq, Italy, Japan, Lithuania, Malaysia, Malta, Mexico, Myanmar, Peru, Qatar, the Republic of Korea, Saudi Arabia, Slovenia, South Africa and Switzerland.

[11] Algeria, Angola, Antigua and Barbuda, Argentina, Bangladesh, Brunei Darussalam, Burundi, Colombia, the Czech Republic, the Dominican Republic, Egypt, Iraq, Italy, Japan, Lithuania, Malaysia, Malta, Mexico, Myanmar, Qatar, the Republic of Korea, Saudi Arabia, Slovenia, South Africa and Switzerland.

[12] Algeria, Angola, Brunei Darussalam, Burundi, Canada, the Czech Republic, Egypt, El Salvador, Guyana, Hungary, Iraq, Italy, Lebanon, Lithuania, Malaysia, Malta, Mexico, Myanmar, the Republic of Korea, Saudi Arabia, Slovenia, South Africa and Uruguay.

[13] Angola, Argentina, Bangladesh, Brunei Darussalam, Burundi, Canada, Colombia, the Czech Republic, Egypt, El Salvador, Guyana, Iraq, Italy, Lithuania, Malaysia, Malta, Mexico, Myanmar, South Africa and Uruguay.

[14] Algeria, Angola, Burundi, Canada (for the Prime Minister, her or his Cabinet and parliamentary secretaries), the Czech Republic, Egypt, Germany, Guyana, Iraq, Japan, Lithuania, Malaysia, Malta, Mexico, Saudi Arabia, South Africa and Uruguay.

[15] Angola, Bangladesh, Brunei Darussalam, Burundi, the Congo, the Czech Republic, Egypt, El Salvador, Finland, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Malta, the Republic of Korea, Slovenia and South Africa. It must be noted that Italy, Japan and Malta in addition indicated "other reasons" as the legal ground for such specific codes of conduct.

[16] Algeria, Belarus, Colombia, Ecuador, Haiti, Hungary, Mexico, Peru, Switzerland and Uruguay.

[17] Argentina, the Central African Republic, the Dominican Republic, Guyana, Myanmar, New Zealand and Saudi Arabia.

[18] Canada indicated "condition for holding public office".

[19] Algeria, Angola, Bangladesh, Belarus, Brunei Darussalam, Burundi, the Central African Republic, Cuba, Cyprus, Egypt, Finland, Germany, Hungary, Iraq, Japan, Lithuania, Malaysia, Malta, Mexico, Myanmar, Peru, the Republic of Korea, Slovenia, South Africa and Thailand.

[20] Angola indicated that it had a vocational training school the duration of whose courses depended on the level of training and the recipient.

[21] Bangladesh indicated that public officials were given four months' foundation training after entry into service. Subsequently various in-service training courses were given to public officials.

[22] Cuba indicated that training in ethics and professional behaviour was an integral part of the systematic training provided at all levels of instruction throughout the period of service.

[23] Germany indicated that training was not given generally but took place in many branches in the various areas of work. Hence training differed according to careers and career groups. Germany also indicated that as regards the training for civil servants of all career groups, this consisted of imparting the central values of the public service as the basis for state action. In further training of civil servants and employed staff those values were taken up and handled with reference to current manifestations and problems. Training focused on instruction with regard to the fundamental principles of cooperation and leadership, of social competence, as well as of responsible handling of the exercise of office. The frequency of further training was determined in the individual case by the tasks performed.

[24] Iraq indicated that the duration of training courses varied according to the subject and the functional level of participants. They lasted between one week and three months.

[25] In Thailand the length of such training was decided by the Civil Service Commission.

[26] Six times during service.

[27] Peru indicated that training in ethics and professional behaviour was provided to public officials once per month (i.e. 10 hours per month).

[28] Five times during service.

[29] Canada indicated that two provinces and one territory had recently legislated codes of conduct.

[30] Colombia indicated that the aim was to launch a process under which public service departments would formulate new codes governing ethical conduct that were in harmony with modern requirements.

[31] Algeria, Angola, Argentina, Belarus, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile (for ministers), Colombia, Cuba, the Dominican Republic, Ecuador, Egypt (only for particular positions such as the judiciary, police, armed forces and doctors), El Salvador, Germany, Guatemala (in some cases), Hungary, Iraq (in certain public posts), Italy, Japan, Lebanon (in some cases), Lithuania, Malaysia, Mali, Malta, New Zealand, Peru, Qatar, the Republic of Korea and Switzerland.

[32] Algeria, Angola, Argentina, Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Guatemala, Guyana, Hungary, Iraq, Italy, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay. New Zealand specified that there was a legal process in place for ensuring accountability for actions taken and decisions made by public officials (for example, actions were open to judicial review in the courts). The chief executive, rather than individual public servants, had overall responsibility for the actions taken and decisions made within his or her department.

[33] Angola, Antigua and Barbuda, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, New Zealand, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay. New Zealand indicated that there was a legal process in place in the country for ensuring accountability for actions taken and decisions made by public officials (for example, actions were open to judicial review in the courts). The chief executive, rather than individual public servants, had overall responsibility for the actions taken and decisions made within his or her department.

[34] Algeria, Angola, Argentina, Bangladesh, Belarus, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, Cuba, Cyprus, El Salvador, Finland, Germany, Iraq, Japan, Lithuania, Malaysia, Mali, Malta, Myanmar, New Zealand, Peru, South Africa, Thailand and Uruguay.

[35] Norway indicated that disciplinary measures might be used against any type of illegal or unethical behaviour that was sufficiently grievous. Norwegian administrative law did not specify types of such behaviour.

[36] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and

Uruguay. New Zealand indicated that provisions for disciplinary measures for the types of illegal or unethical behaviour, as indicated in points (a)-(f) of this paragraph were not expressed but were implied through the general principles of the Code of Conduct. It stressed that, for the most serious cases, an official might also be prosecuted (in criminal law) under section 105 A of the Crimes Act of 1961.

[37] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, Finland, Germany, Greece, Guatemala, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and Uruguay.

[38] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, the Czech Republic, Cyprus, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Panama, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and Uruguay.

[39] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Panama, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and Uruguay.

[40] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and Uruguay.

[41] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, Thailand and Uruguay.

[42] New Zealand indicated that the obligations and duties contained in the Code of Conduct would be an express or implied requirement of the employment contract with the employing department.

[43] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[44] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[45] Algeria, Angola, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Canada, Chile, Colombia, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Malaysia, Malta, Mexico, Myanmar, New Zealand, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, Sweden and Thailand.

[46] Algeria, Angola, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[47] Angola, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland,

Germany, Greece, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[48] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[49] Costa Rica indicated that, in view of the fact that in the relevant question of the questionnaire (i.e. question 20) the distinguishing criterion applied was whether "possible conflicts of interest arose", it had to reply in the negative, since in Costa Rica the requirement of the declaration of assets set out in the Law on the Illicit Enrichment of Public Servants was stipulated as an absolutely essential precondition upon assumption of public post—and also upon separation from that post—and was not contingent on whether a conflict of interest arose.

[50] Algeria, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Canada, Colombia, Cyprus, the Czech Republic, Egypt, Finland, Germany, Greece, Guyana, Hungary, Iraq, Italy, Lithuania, Malaysia, Malta, Mexico, Norway, Peru, Poland, South Africa, Sweden, Switzerland, Thailand and Uruguay. Bolivia added that the national legislation had a general provision relating to public officials that referred to conflict of interest (i.e. art. 10 of Law No. 2027, Civil Service Act), which provided the following: "Public servants may not direct, administer, advise, represent or offer paid or unpaid services to individuals or corporate bodies that manage transactions, licences, authorizations, concessions or preferential arrangements of whatsoever type or that aim to conclude contracts of whatsoever nature with entities of the civil service".

[51] Same countries as in footnote 50.

[52] Algeria, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Canada, Colombia, Cuba, Cyprus, the Czech Republic, Egypt, Finland, Germany, Greece, Guyana, Hungary, Iraq, Italy, Lithuania, Malaysia, Malta, Mexico, Norway, Peru, Poland, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[53] Canada indicated that the relevant Code required such an obligation only for senior public servants and public office holders (for a period of one year) and for ministers, including the Prime Minister (for a period of two years).

[54] Poland added that it was only during a period of one year (two years in some specific cases).

[55] Belgium, Bolivia, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Italy, Mexico, Norway, Poland, the Republic of Korea, Saudi Arabia, Sweden, Switzerland and Uruguay.

[56] Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Canada, Colombia, Costa Rica, Cyprus (only assets), Ecuador, Egypt, El Salvador, Greece, Guatemala, Guyana, Haiti, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia (no copies of tax returns were required), Mali, Malta, Mexico, Norway, Peru, Poland, the Republic of Korea, South Africa, Thailand and Uruguay. Canada indicated that public officials were requested to disclose their assets, liabilities and outside activities only when they had some relationship with one's responsibility. No tax returns were required.

[57] No copies of tax returns were required.

[58] Canada indicated that public officials at all levels were requested to disclose their assets, liabilities and outside activities only when they had some relationship with one's responsibility. No tax returns were required.

[59] In Canada no tax returns were required.

[60] The President of the Republic and the ministers.

[61] Public procurement officials and tax officials.

[62] Argentina, Bangladesh, Belarus, Brunei Darussalam, Canada (only for spouses and dependants of ministers and tax returns were not required), Egypt, El Salvador, Greece, Guyana, Iraq, Lebanon, Malaysia (no copies of tax returns were required), Poland, the Republic of Korea, South Africa, Thailand and Uruguay.

[63] Argentina (i.e. the Anti-Corruption Agency, established by Law 25.233), Bangladesh, Belarus, Bolivia, Brunei Darussalam, Canada, Chile, Colombia, Costa Rica, Cuba, Egypt, El Salvador, Greece, Guatemala, Guyana, Iraq, Lebanon, Lithuania, Malaysia, Mexico, Peru, Poland, the Republic of Korea, South Africa, Thailand and Uruguay.

[64] Algeria, Angola, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Lebanon, Lithuania,

Malaysia, Malta, Mexico, Myanmar, New Zealand, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, South Africa, Switzerland, Thailand and Uruguay.

[65] Bolivia, Canada and Finland indicated that the provisions on illicit enrichment were also of a criminal nature.

[66] Angola, Argentina, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Chile, Colombia, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Lebanon, Lithuania, Malaysia, Mexico, Myanmar, New Zealand, Peru, Poland, the Republic of Korea, Saudi Arabia, South Africa, Switzerland and Thailand. In Bolivia, under the regulations on accountability in the civil service (D.S. 233118-A), it was the responsibility of internal bodies to determine accountability and, where cases of administrative liability were identified, to forward the matter to the Office of the Auditor-General of the Republic for institution of the correct procedures. In Argentina that function was performed by the Anti-Corruption Agency, established by Law 25.233.

[67] Germany indicated that the monitoring of illicit enrichment of public officials by appropriate bodies was carried out by the Federal Court, or the *Länder* courts of audit; the relevant supervisory authorities; and organizational measures within the authority concerned such as, for instance, internal revision.

[68] Algeria, Belarus, Bolivia, Burundi, Chile, Costa Rica, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Mexico, Myanmar, Norway, Peru, Poland, the Republic of Korea, Thailand and Uruguay.

[69] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Brunei Darussalam, Canada, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Malta, Mexico, Myanmar, New Zealand, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland and Uruguay.

[70] Algeria, Belarus, Belgium, Bolivia, Chile, Costa Rica, Cyprus, the Czech Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Iraq, Italy, Lebanon, Mexico, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Sweden, Switzerland and Uruguay.

[71] Algeria, Angola, Argentina, Antigua and Barbuda, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[72] Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Burundi, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cuba, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guyana, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Norway, Peru, Poland, the Republic of Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.

[73] Algeria, Angola, Belarus, Belgium, Brunei Darussalam, Burundi, Canada, Colombia, the Congo, Cuba, the Dominican Republic, Finland, Germany, Greece, Hungary, Iraq, Japan, Lebanon, Lithuania, Malaysia, Malta, Mexico, Myanmar, New Zealand, Norway, Poland, the Republic of Korea, Saudi Arabia, Slovenia, Sweden, Switzerland, Thailand and Uruguay.

[74] Algeria, Belgium, Bolivia, the Central African Republic, Chile, the Congo, Costa Rica, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Haiti, Italy, Japan, Lebanon, Mexico, Norway, Peru, Poland, Republic of Korea, Saudi Arabia, Sweden, Switzerland, Thailand and Uruguay.

[75] Algeria, Belgium, Bolivia, the Central African Republic, Chile, the Congo, Costa Rica, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Greece, Guatemala, Guyana, Haiti, Italy, Japan, Lebanon, Mexico, Norway, Peru, Poland, Switzerland, Thailand and Uruguay.

[76] E/1996/99, annex.